El-Mashlahah
Volume 14 No. 1, June 2024
ISSN: E-ISSN: 2622-8645; P-ISSN: 2089-1970
DOI: 10.23971/el-mashlahah.v14i1.7645

Fiqh Reference Patterns of the *Majelis Taklim* in Central Kalimantan

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Received: 27-01-2024; Accepted: 13-04-2024; Published: 30-06-2024;

ABSTRACT

Majelis taklim (known as *taklim* assemblies or *taklim* council) in Central Kalimantan uses different references in conveying and discussing fiqh material. This leads to a mixture of ideologies, for example, there are indications of deception in using fiqh references. Hence, the research aimed to find out the pattern of fiqh references used by *Majelis Taklim* in Central Kalimantan. It used empirical legal research with a sociological juridical type and a socio-legal approach. The research showed the fiqh references used by the *majelis taklim* appear with various ideologies. And, four fiqh reference patterns were found, including the tendentious, the comparative and a mixture of ideologies or non-schools of thought, the pattern with organizational ideology, and the pattern referring towards the Syafi'i school of thought. From the four characteristics, it seems that the tendentious fiqh pattern, either *tarjīḥ maqāṣid or mālāt al-af'āl,* more likely leads to bringing *mudharat* (negative) and, even, not given benefit for Muslim community as a whole. However, in practice, there are indications of deception that may not be aware of by the public. If this tendentious pattern accepts ideological pluralism would certainly not be problematic. But, in reality, they are seen as splitting-bamboo politics with a scenario according to their interests and status to promote their ideology. Also, it needs to highlight the comparison of fiqh and a mixture of ideologies or non-schools of thought. It is believed that this pattern has its benefits. On the other hand, people who are less well prepared on *aż-żarī'ah,* will deal with their problems, which may lead to ideological chaos.

Keywords: Fiqh Reference; *Majelis Taklim*; School of Jurisprudence;

ABSTRAK

Beberapa majelis taklim di Kalimantan Tengah menggunakan referensi yang berbeda-beda dalam menyampaikan materi fikih dan berakibat pada percampuran ideologi, bahkan di antaranya ada yang terindikasi melakukan pengelabuan dalam menggunakan referensi fikih. Tujuan penelitian ini adalah untuk mengungkap corak referensi fikih yang digunakan majelis taklim di Kalimantan Tengah. Penelitian ini merupakan

penelitian hukum empiris dengan tipe yuridis sosiologis dan menggunakan pendekatan *socio-legal*. Hasil penelitian ini menunjukan bahwa referensi fikih yang digunakan majelis taklim terlihat bercorak dengan beragam ideologi. Setidaknya ditemukan ada empat corak yaitu corak referensi fikih bertendensius, corak referensi fikih perbandingan dan percampuran ideologi alias non mazhab, corak referensi fikih yang mengusung ideologi organisasi dan corak referensi fikih yang lebih cenderung ke mazhab Syafiʻi. Dari keempat corak di atas tampaknya corak referensi fikih bertendensius baik secara *tarjīḥ maqāṣid* atau pun *mālāt al-afʻāl* lebih membawa kepada kemudaratan bahkan tidak membuat untung umat muslim secara keseluruhan, karena secara praktiknya terindikasi adanya pembelokan atau pengelabuan yang mungkin kurang disadari masyarakat. Seandainya kehadiran corak bertendensius ini menerima pluralisme ideologi tentu tidak bermasalah tetapi yang terlihat justru mirip politik belah bambu yang diskenario sesuai dengan kepentingan dan status mereka untuk mengusung ideologinya sendiri. Di samping corak referensi fikih bertendensius, tentu corak referensi fikih perbandingan dan percampuran ideologi alias non mazhab perlu mendapat sorotan. Diakui corak percampuran ideologi ini memiliki kemaslahatan tetapi bagi masyarakat yang kurang siap secara *aż-żarīʻah* tentu akan menghadapi problem tersendiri yang bahkan membawa kepada kekacauan ideologi.
Kata Kunci: Referensi Fikih; Majelis Taklim; Mazhab Fikih;

Introduction

Every *majelis taklim* known as *taklim* assemblies or *taklim* council has its pattern.[1] This pattern is seen in the materials and references. Characteristics in the material are seen from the differences in the material presented and discussed at each *majelis taklim*. Some use fiqh, *tauhid* (monotheism), and Sufism, but there are also those who use a general study model with certain themes or materials.[2] It is very well influenced by the tendency of the assembly which is represented by the *Ulama* (scholar) or *Imams*. He became a central figure in the *majelis taklim*, including in character building, teaching thought, and others.[3] With the variety of majelis taklim, especially in the Palangka Raya City[4] or in Central Kalimantan Province, which has 920

[1]Muhammad Gazali Rahman Kamaruddin Mustamin, "Analisis Mazhab Fikih Dan Teologi Majelis Zikir Di Gorontalo," *Al-Qalam: Jurnal Penelitian Agama Dan Sosial Budaya* 25, no. 1 (2019): 47–58, https://doi.org/10.31969/alq.v25i1.730.

[2]Muhammad Syarif Hidayatullah, "Islamic Economics and Partial–Total Religiosity: A Case Study of Majlis Taklim in Banjarmasin," *Islamuna: Jurnal Studi Islam* 7, no. 1 (2020): 36, https://doi.org/10.19105/islamuna.v7i1.3308.

[3]M. Rizkoni Salis, "Kyai Leadirship Style in Developing the Majelis Taklim in Islamic Boarding School," *Nidhomul Haq: Jurnal Manajemen Pendidikan Islam* 5, no. 3 (2020): 392–410, https://e-journal.uac.ac.id/index.php/nidhomulhaq/article/view/842.

[4]*Observation* (Palangka Raya, 2022).

communities of *majelis taklim* in 2021,[5] then this number diversity of pattern is normal and a necessity.

Furthermore, from a reference point of view, it does not seem to be much different from the material pattern. This means that in a *majelis taklim*, it is almost 100% certain that the references used in one assembly are different from another. The problems found specifically related to references seem to be not just differences in the pattern of references, but behind these differences show indications of certain missions as if this pattern is formed only because differences in references consistently, do not have an impact on confusion. However, based on initial observations, this pattern was formed deliberately and added to its certain scenario which, in the end, almost be called a deflection or deception.[6]

One observed example was an ustadz (Islamic teacher) who was a teacher in the *majelis taklim* and delivered material using mixed references.[7] It is not a problem as he is conveyed the laws of Allah and all Muslims accept them. Referring to current needs, mixed references are very needed because diverse views can help enlighten society. However, it will be a problem when it is conveyed to less prepared people, especially common people or people who prefer practical things. This research is urgent to open up insight to the public. However, the patterns found do not seem to just show patterns. Behind all this, it assumes that there are certain missions as the goal. Therefore, this research is a must to avoid any problems in the future.

Much research has been conducted on the topic of *majelis taklim*. For example, Umdatul Hasanah researched the role and shifts of *majelis taklim* in urban areas.[8] Iskandar Usman researched the role and function of mosques as centers for *da'wah* (teaching and spreading Islam) and community development.[9] Dwi Retnani Srinarwati researched *majelis taklim* for women from Salafi circles using Jean Baudrillard's theory

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[5]TIM, "Data Keagamaan," Kanwil Kementerian Agama Provinsi Kalimantan Tengah, 2021.

[6]*Observation* (Palangka Raya, 2022).

[7]*Observation* (Palangka Raya, 2021).

[8]Umdatul Hasanah, "Majelis Taklim and the Shifting of Religious Public Role in Urban Areas," *Ilmu Dakwah: Academic Journal for Homiletic Studies* 13, no. 1 (2019), https://journal.uinsgd.ac.id/index.php/idajhs/article/view/4632/4148.

[9]Iskandar Usman, "Revitalizing the Role and Function of the Mosque as a Center for Da'wah Activities and Community Development," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 4, no. 1 (2020): 1, https://doi.org/10.22373/sjhk.v4i1.7050.

of Simulacra and Simulation.[10] Fauziah Nasution researched the history of the *majelis taklim* as a non-formal education in Padang Sidimpuan.[11] Darul Ilmi researched the implementation of multicultural education in the *majelis taklim* in Sitiung Dharmasraya, West Sumatra.[12] M. Rizkoni Salis researched the leadership style of *Kyai* (an expert in Islam) in developing their *majelis taklim* in *pesantren* (Islamic boarding schools).[13] Abd. Wahid Hasyim researched the *majelis taklim* on socio-cultural transformation in South Tangerang.[14] Yustina Yuliasari researched strategies for internalizing the values of Islamic religious education in *majelis taklim*.[15] Dila Rukmi Octaviana researches on how to increase people's spirituality through activities or being active in *majelis taklim*.[16] However, the previous research has not touched on the legal pattern, especially the pattern of fiqh references. Therefore, no similar research has been found as currently carried out on previous research to this research. Then, the research aims to find out the pattern of fiqh references used by *majelis taklim* in Central Kalimantan.

Method

The research was research in the school of jurisprudence[17]or empirical legal research with a sociological juridical type.[18] It is called jurisprudence school research because it studied the pattern of jurisprudential or fiqh references used in the *majelis taklim* so it can identify the tendencies. The *majelis taklim* is part of a school of thought

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[10]Dwi Retnani Srinarwati, Pinky Saptandari Endang Pratiwi, and Diah Ariani Arimbi, "Simulacra in Women's Majelis Taklim Based on Jean Baudrillard's Perspective," *Jurnal Studi Komunikasi* 4, no. 3 (2020): 632–49, https://doi.org/10.25139/jsk.v4i3.2677.

[11]Fauziah Nasution, Haidar Putra Daulay, and Hasan Asari Asari, "Taklim Assembly in Padangsidimpuan 1901-2020: History of Non-Formal Islamic Education," *Al-Ishlah: Jurnal Pendidikan* 14, no. 3 (2022): 3207–20, https://doi.org/10.35445/alishlah.v14i3.1131.

[12]Darul Ilmi, Melia Afdayeni, and Kori Lilie Muslim, "The Practice of Multicultural Education at Majelis Taklim in Sitiung Dharmasraya, West Sumatra," *Islam Realitas: Journal of Islamic & Social Studies* 7, no. 1 (2021): 29–41, https://doi.org/10.30983/islam_realitas.v7i1.4308.

[13]Salis, "Kyai Leadirship Style in Developing the Majelis Taklim in Islamic Boarding School."

[14]Abd. Wahid Hasyim, "Majelis Taklim and Socio-Cultural Transformation of The South Tangerang Society," *Al-Qalam: Jurnal Penelitian Agama Dan Sosial Budaya* 27, no. 2 (2021), https://doi.org/10.31969/alq.v27i2.953.

[15]Yustina Yuliasari, "Strategies For Internalizing PAI Values In Learning at Majelis Taklim," *Jurnal At-Tarbiyat :Jurnal Pendidikan Islam* 6, no. 2 (2023), https://doi.org/10.37758/jat.v6i2.710.

[16]Dila Rukmi Octaviana et al., "The Improving Community Spirituality Through 'Majelis Taklim' Activities," *Scaffolding: Jurnal Pendidikan Islam Dan Multikulturalisme* 5, no. 1 (2023): 175–91, https://doi.org/10.37680/scaffolding.v5i1.2356.

[17]Cik Hasan Bisri, *Model Penulisan Fiqh: Paradigma Penulisan Fiqh Dan Fiqh Penulisan* (Jakarta, Indonesia: Prenada Media, 2003), 233.

[18]Mukti Fajar and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif & Empiris* (Yogyakarta, Indonesia: Pustaka Pelajar, 2019), 47; Ahmad Siboy et al., "The Islamic Law-Based Design of Regional Head Post-Filling," *Legality: Jurnal Ilmiah Hukum* 32, no. 1 (2024): 1–15, https://doi.org/10.22219/ljih.v32i1.31261.

or a community of schools of thought in which there are *Ulama* (scholar) who have the authority to continue the thoughts of the *Imams* or develop them.[19] It is also called empirical legal research with a sociological juridical type because it researched the running or managing of the *majelis taklim* procedures containing various references with the aim to know the pattern of *fiqh* references.[20] The approach of the research is a socio-legal.[21] The socio approach used role theory that each person behaves according to their position, status, and role. Another theory is the sociological theory of knowledge, which states that every thought is always related to the respective context or the social history behind that thought.[22] And, the legal approach used theories in jurisprudence (fiqh) and *Ushul Fiqh*.[23]

Findings and Discussion

Fiqh Reference Pattern of the *Majelis Taklim* in Central Kalimantan

The research examined the references in several *majelis taklim* in Central Kalimantan who were willing to participate in the research. The results were quite varied and seemed surprising. These results are classified into four types, namely the tendentious pattern, the pattern of comparison and mixing ideologies, the pattern of organizational ideology, and the pattern of the Syafi'i school of thought.

Tendentious Fiqh Reference Pattern

In this pattern, it was found scholars, who are the informants of the research, used fiqh references which were quite varied and more surprising than others.[24] Found several informants that they admitted in delivering their fiqh studies, they initially used references from the Shafi'i school of fiqh such as the book *Safi>nah an-Naja>h*.[25] The book *Fatḥ al-Qarīb*[26] and other books that fall within the circle of this school of thought.

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[19]Bisri, *Model Penulisan Fiqh: Paradigma Penulisan Fiqh Dan Fiqh Penulisan*.

[20]Jonaedi Efendi and Johnny Ibrahim, *Metode Penelitian Hukum Normatif Dan Empiris* (Jakarta, Indonesia: Kencana Prenada Media Group, 2020).

[21]Efendi and Ibrahim, *Metode Penelitian Hukum Normatif Dan Empiris*.

[22]Karl Mannheim, *Ideologi Dan Utopia: Menyingkap Kaitan Pemikiran Dan Politik*, trans. F. Budi Hardiman (Yogyakarta: Kanisius, 1991).

[23]Abdul Helim, *Metodologi Penetapan Hukum Islam: Ushul Fiqh Praktis (1)* (Yogyakarta, Indonesia: Pustaka Pelajar, 2023).

[24]Ali Abubakar, "Otoritas Hukum Sunah Sebagai Wahyu," *El-Usrah* 5, no. 1 (2022): 88–101, https://doi.org/10.22373/ujhk.v5i1.15377.

[25]Sālim ibn Samīr Al-Ḥaḍramī, *Matn Safīnah An-Najāh Fī Mā Yajibu 'alā Al-'Abdi Li Maulāh* (Beirut, Lebanon: Dār al-Minhāj, 2009), 7, https://archive.org/details/sarayassaf_gmail_20170323_0102.

[26]Abū 'Abdullāh Syamsuddīn Muḥammad ibn Qāsim ibn Muḥammad Al-Gazzī, *Fatḥ Al-Qarīb Al-Mujīb Fī Syarḥ Al-Fāẓ at-Taqrīb* (Beirut, Lebanon: Ibn Ḥazm, 2005).

The reason for using these two books is because they are books of the Syafi'i school of jurisprudence which are familiar in Islamic boarding schools and *majelis taklim* in Indonesian society.[27]

However, it is quite surprising that some of these informants admitted that they also used other references, including *al-Fiqh al-Muyassar fī Ḍau' al-Kitāb wa as-Sunnah,*[28] *al-Mulakhkhaṣ al-Fiqh,*[29] *al-Lajnah ad-Dā'imah li al-Ifta*[30]. Also, some use hadith books such as the book *Bulūg al-Marām*[31] to discuss fiqh material. According to informants, the reason for using various references from different schools of thought is that the need for discussion and the results for the selected comparison will be the strongest one. These informants emphasized that the strongest results from the comparison were surely the references that could present arguments in each discussion.[32]

The reasons given by the informants are scientifically unproblematic, even argumentative. Because, in the world of knowledge, those with more arguments are the strongest and most acceptable. However, it must be realized that the book of jurisprudence is a ready-made reference.[33] This is a fact when classical scholars write the fiqh books. The arguments are sometimes not found in these works, but that does not mean they have not, and they may not be stated explicitly. Another example is a hadith that conveys a certain topic, but the topic is not mentioned. However, it does not mean that fiqh scholars are ignorant of the hadith. But, as they understand it, they are not included in the hadith in the fiqh book.

An example is found in the Prophet's hadith about attaching shoulders to other people's shoulders and feet to other people's feet. The hadith is "*...'an an-nabī SAW*

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[27]MF, *Interview* (Sampit, 2022).

[28]TIM, *Kitāb Al-Fiqh Al-Muyassar Fī Ḍau'i Al-Kitāb Wa as-Sunnah* (Madinah, al-Mamlakah al-'Arabiyah as-Sa'udiyah: Wuzārah asy-Syu'ūn al-Islāmiyah wa al-Auqāf wa ad-Da'wah wa al-Irsyād, 1424).

[29]Ṣāliḥ ibn Fauzān ibn 'Abdullāh Al-Fauzān, *Al-Mulakhash Al-Fiqhī* (Riyāḍ, al-Mamlakah al-'Arabiyah as-Sa'ūdiyah: Dār al- 'Āṣimah, 1423).

[30]Al-Lajnah, *Fatāwa Al-Lajnah Ad-Dā'imah Li Al-Buḥūṡ Li 'Ilmiah Wa Al-Iftā'* (Riyāḍ, al-Mamlakah al-'Arabiah as-Sa'ūdiyah: Dār al-Mu'ayyad, 1424).

[31]Aḥmad ibn 'Alī ibn Ḥajar al-'Asqalani Al-Asqalani, *Bulūg Al-Marām Min Adillah Al-Aḥkām*, *Dar Al-Manarah* (Riyāḍ, al-Mamlakah al-'Arabiyah as-Sa'ūdiyah: Dār al-Qabis, 2014), https://www.muslim-library.com/dl/books/English_Bulugh_Al_Maram.pdf.

[32]HS, *Interview* (Pangkalanbun, 2022).

[33]Ilyas Supena, "Konstruksi Epistemologi Fikih Pandemik: Analisis Fatwa-Fatwa Mui," *Al-Manahij: Jurnal Kajian Hukum Islam* 15, no. 1 (2021): 121–36, https://doi.org/10.24090/mnh.v15i1.4203.

qāla: Aqīmū ṣufūfakum fa innī arākum min warā'i ẓahrī wa kāna aḥadunā yulziqu mankibahu bi mankibi ṣāḥibihi wa qadamahu bi qadamihi." [34] This hadith was narrated by Imam Bukhari number 683 and is also found in the history of Imam Abu Da>ud number 566. This hadith is *ṣaḥīḥ* (authentic) in its quality.[35] But, the question arises why is this topic not mentioned in the books of fiqh, especially in among the Shafi'i school of thought? The answer is that the scholars understand that attaching body parts, as mentioned in the hadith, is not an order from the Prophet, but only a story from Anas ibn Malik who saw one of the people doing such a thing. Also, this was only practiced by one person, whose name is unknown. Therefore, even though this hadith is *ṣaḥīḥ*, it might not be proof of the obligation to attach one part of the body to another person's body parts. In this way, and as a wise person, of course, it could not directly state that fiqh references that do not explicitly mention the arguments of the *Quran* or hadith are said to be without arguments.

The next problem that arises from this tendentious informant is that, if they are purely comparing and looking for the strongest, they should not only use the mentioned references but also take various references from various schools of thought. Therefore, the way some informants take references seems unbalanced and unfair. If this method is confronted with the science of comparative law, the legal science is experiencing or bringing to experience an identity crisis.[36] The reason is that legal comparisons should be carried out in a parallel and balanced manner. Moreover, classical works should also compare to classical works. Likewise, the secondary-book is compared to this type of book. In addition, nowadays, legal pluralism is recognized in comparative legal studies without rejecting other ideas.[37]

However, the informants did, especially in this case, use the book *Safīnah an-Najāh* and the book *Fatḥ al-Qarīb* and others in their *majelis taklim*. But, they replaced the two books with other books while viewing these two books as not proper. This informant's style is very similar to the theory of splitting-bamboo, which is defined as

[34] *Ṣaḥīḥ al-Bukhārī*, No. 683, https://archive.org/details/SetupHaditsSoft

[35] https://dorar.net/hadith/sharh/131333

[36] James C. Fisher, "Charting the Skies from a Moving Earth: Relativity and Position in Comparative Law," *Critical Analysis of Law* 8, no. 2 (2021): 128, https://doi.org/10.33137/cal.v8i2.37857.

[37] Luca Siliquini-Cinelli and Jaakko Husa, "Introduction:The Philosophies of Comparative Law," *Critical Analysis of Law* 8, no. 2 (2021): 3, https://doi.org/10.33137/cal.v8i2.37851.

opening and lifting the other party but, at the same time, hitting the other party.[38] From the theory of the sociology of knowledge, the informants seem to advance their interests in spreading certain missions following the doctrine and educational missions.[39] Therefore, in the theory of role, the informants in this *majelis taklim* when acting and conducting is none other than because of their status as carriers of the school of thought that they adhere to at that time.

Based on the interests and status of this informants, it seems that the book *Safīnah an-Najāh* and the book *Fatḥ al-Qarīb* which are categorized as books of jurisprudence from the Syafi'i school of thought were used as entry points to direct them to their books. After entering some of the discussion material, the people are no longer aware or not know that the reference used by the informant has changed to another reference. The method used by this informant can be categorized as deception (*tadlīs*) against the followers. They only know the previous book. And, without them being aware of it, the references have changed and are different from before.

The pattern is similar to another case where the names of several mosques or educational institutions were written or named using the names of scholars from the Shafi'i school, such as the mosque of Imam Nawawi, Ma'had ash-Shafi'i, and others. After examining it, the content and practices carried out in mosques or educational institutions are far different from the names and ideologies of the named ulama and far from expectations. Common people may think that the practice in mosques or educational institutions follows the written names of the ulama, but the reality is different. The right word to describe this pattern is a tendentious pattern plus deception.

The book *al-Fiqh al-Muyassar fī Ḍau' al-Kitāb wa as-Sunnah* is written by the elite of the Saudi cleric. Also, the book *al-Mulakhkhaṣ al-Fiqh* was written by Syekh Ṣāliḥ Fauzān who is registered as a Saudi cleric. Moreover, the informant also used *al-Lajnah ad-Dā'imah li al-Iftā*, which is Saudi's fatwa institution, as a reference for their *majelis taklim*. It shows that based on their visible interests and status in conduct, basically, the ideology or school of thought adhered to by some of these informants is

[38]Irmawati, "Teori Belah Bambu Syahrizal Abbas: Antara Teori Reception in Complexu, Tori Receptie Dan Teori Receptio a Contrario," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 2, no. 2 (2017): 119–30, https://doi.org/10.22373/petita.v2i2.67.

[39]Dedi Sumanto, "Konflik Sosial Masyarakat Dalam Perspektif Sosiologi Hukum Islam," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 3, no. 1 (2020): 83–97, https://doi.org/10.24090/volksgeist.v3i1.2897.

not the same as the ideology or school of thought from the two previous books. It seems similar to the ideology or school of jurisprudence that Saudi Arabia adheres to today.

The next tendentious points is the use of hadith books, such as seperti *Bulūg al-Marām* and *Riyāḍ aṣ-Ṣāliḥīn* as fiqh books. The fact is that the Bulu>g al-Mara>m is a book of hadith which is structured like chapters in a book of fiqh. However, this book is still a collection of the Prophet's hadiths. Using *syarah* from the book *Bulūg al-Marām*, the position of either the Quran or the hadith is still raw material that is not ready for use. [40] It is evidenced by quite a few differences in the texts, editorials, and intentions of various hadiths of the Prophet. These conditions require explanation from experts so that understanding of these texts is not contradictory.[41] However, if the imam at the *majelis taklim* explains using his thoughts without citing and taking the opinion of the ulama, it has the potential to not only confuse the follower but also the ideological thinking of the follower.[42] It is even more problematic if the imam's understanding moves from a rigid, hard, or textual understanding.[43]

The book of fiqh is compiled following the ideology or school of thought of the author. And, certainly, as previously explained, the book of fiqh is a ready-to-use book that has been processed methodically through the science of ushul fiqh, extracted from the Quran and Hadith.[44] This ready-to-use book is certainly more accountable because it was produced through a consistent flow of thought and methodology.[45] The certain thing is that a person's position is clearer than the position of someone who studies the hadith as a book of fiqh.

The reason for the fiqh book being accountable is the author's background is believed to be pious and knowledgeable. Meanwhile the hadith book as a fiqh book, that

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[40]Helim, *Metodologi Penetapan Hukum Islam: Ushul Fiqh Praktis (1)*.

[41]Moh Mufid, "Aspek Sosiologis Fikih Imam Al-Syafi'i," *Syariah: Jurnal Hukum Dan Pemikiran* 16. No.1 (2016), https://doi.org/10.18592/sy.v16i1.1428.

[42]Sulaiman W. et al., "Aceh Government Policy in Preventing Radicalism Through the Existence of Dayah Islamic Education," *Nazhruna: Jurnal Pendidikan Islam* 7, no. 2 (May 2, 2024): 189–208, https://doi.org/10.31538/nzh.v7i2.4118.

[43]Alamsyah, Siti Mahmudah, and Syamsul Huda, "The Contextualization of Hadith in Indonesia: Nusantara Ulema's Response to Islamists," *International Journal of Psychosocial Rehabilitation* 24, no. 7 (2020): 1548, https://doi.org/10.37200/V24I7/14425.

[44]Jamal Ma'mur Asmani, *Mengembangkan Fikih Sosial KH. MA. Sahal Mahfudh (Elaborasi Lima Ciri Utama)* (Jakarta: Media Konputindo, 2015).

[45]Elfia Elfia, "Pemikiran Ibn Qayyim Al-Jauziyah Tentang Hilah Dan Implikasinya Dalam Fikih," *Juris: Jurnal Ilmiah Syariah* 14, no. 1 (2016): 21–34, https://ejournal.uinmybatusangkar.ac.id/ojs/index.php/Juris/article/view/294.

is read and understood by the speakers of the *majelis taklim*, has the potential to confuse the readers or speaker, including common people as the hadith are still categorized as raw material. The wildness of this understanding certainly cannot be separated from the knowledge, the tendencies, and various interests attaching it.

The next point is related to the clarity of one's position, which is studying jurisprudence through the books of jurisprudence, especially jurisprudence with similar ideologies that lead the students to have clear ideologies or schools of thought. On the other hand, it is different from people who study jurisprudence through mixed ideologies or schools of thought in jurisprudence books that the method will bring a lack of clarity on the ideology or school of thought being followed.[46] The reason is that the Quran and hadith books, as previously stated, are still raw materials that require processing from several sciences.

The previous method, seen from the *tarjīḥ maqāṣid*, is not beneficial[47] for the progress of jurisprudence in Indonesia. As seen from the theory of *mālāt al-af'āl*,[48] this can cause *Mudharat* (negative effect).[49] The form of pluralism is not shown by the informant because legal pluralism is to provide space for ideologies or other schools of thought to continue to live together in the same field even though they are different.[50] Meanwhile, the method used by these informants is to break other ideologies and to give rise to any ideologies or school of thought. This is certainly detrimental (*mudharat*). The form of it is that thinking in the field of jurisprudence becomes

[46]Kawakib and Hafidz Syuhud, "Interrelation of Mind and Revelation: Analysis of the Thought of Ulama Mutakallimin in the Formation of Islamic Law," *Journal of Islamic Law* 2, no. 1 (2021): 43–61, https://doi.org/10.24260/jil.v2i1.127.

[47]Dwi Aprilianto and Salman Zahidi, "Tarjih Maqashidi of Granting Remission for Terrorist Convict in Indonesia," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 16, no. 1 (2021): 73, https://doi.org/10.19105/al-lhkam.v16i1.4517; Afridawati Afridawati, "History, Typology, and Implementation of Islamic Law in Indonesia: Combination of Sharia and Fiqh or the Result of Historical Evolution?," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 21, no. 1 (2021): 33–47, https://doi.org/10.30631/al-risalah.v21i1.676.

[48]Walīd ibn 'Alī Al-Ḥusain, *I'tibār Mālāt Al-Af'āl Wa Aṡaruhā Al-Fiqhī* (Riyāḍ, al-Mamlakah al-'Arabiyah as-Sa'ūdiyah: Dār at-Tadmuriyah, 2009), 30, https://ia904600.us.archive.org/15/items/fiqh05001/fiqh05650.pdf.

[49]Helmi Basri and Hidayatullah Ismail, "Teori Mālāt Al-Af'āl Dalam Maqāṣid Sharī'ah Dan Aplikasinya Pada Permasalahan Fiqh Kontemporer," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 19, no. 2 (2019): 205, https://doi.org/10.18326/ijtihad.v19i2.205-221.

[50]Geoffrey Swenson, "Legal Pluralism in Theory and Practice," *International Studies Review* 20, no. 3 (2018): 438, https://doi.org/10.1093/isr/vix060; Rr Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023): 27 dan 34, https://doi.org/10.15408/ajis.v23i1.32549.

increasingly fading and the consistency of ideology, which contributed to the systemization of jurisprudence, is also almost neglected. In the end, society experiences a mixture of thoughts, some of which may be mutually contradictory.

Fiqh Reference Pattern of the Comparative and a Mixture of Ideologies

The pattern was obtained from understanding the data, submitted by the informant that they used the *muqāranah* (comparison) book. Some of the fiqh books include the *Fiqh as-Sunnah* book by Sayyid Sābiq and *al-Fiqh al-Islāmī wa Adillatuhū* by Wahbah Zuḥailī. Several informants are added other references such as the books *al-Mulakhkhaṣ al-Fiqh* and *al-Lajnah ad-Dā'imah li al-Iftā*. Also, other mixed references used Indonesian language references, such as Sulaiman Rasyid's Islamic Fiqh and the Muhammadiyah Tarjih Decision Association (HPT). [51]

The delivery of comparative-based fiqh material contains benefits, especially in heterogeneous and multi-cultural societies that have been growing for a long time in public life. Comparative jurisprudence studies are believed to a crucial to answering the need. It is to build people's maturity to get used to seeing and accepting differences and being aware of the existence of the differences.[52] If this habit becomes the lifeblood and habitual of society, then the habit of claiming as the most correct and assuming other people who are outside of their understanding to be wrong will no longer be relevant. The habit of being able to accept differences and not immediately blaming others must be continuously trained and taught. When this turns into practice, then it follows the 'urf theory.[53] A thing must start from a habit which then becomes known and, eventually, becomes a habit. Of course, good habits must be carried out continuously to achieve lifelong improvements by continuing to maintain existing good habits and, instead, adopting the newest and best.[54] The best is to be able to accept diversity to achieve peace which follows with the mission of legal pluralism.

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[51]NJ, *Interview* (Pulang Pisau, 2022).

[52]Mahdi Salam and Sukron Ma'mun, "Tradisi Nganyari Akad Nikah Pada Masyarakat Jengglong Di Boyolali," *Al-Ahwal* 12, no. 2 (2019): 198–207, https://doi.org/10.14421/ahwal.2019.12207.

[53]Abdul Helim, Sabarudin Ahmad, and Padlianor, "Bapalas as Alternative Dispute Resolution of Fighting on Muslim Dayak Community in Muara Teweh, Central Kalimantan," *Samarah* 6, no. 1 (2022): 337–38, https://doi.org/10.22373/sjhk.v6i1.12379.

[54]Mursyid Djawas et al., "The Integration Between Syara' and Ade' in Marriage Tradition Bugis Bone, South Sulawesi," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 18, no. 2 (2023): 358, https://doi.org/10.19105/al-lhkam.v18i2.10373.

This comparative method (*muqaranah*) seems relevant to the lives of people today. The flow of information received by the public is very fast and, even, to find out about a legal case, especially news, one just needs to take a few easy steps using technological tools. People quickly learn and know, and take various information, including Islamic legal issues. By using this comparison method, the informants provide a complete explanation of the occurred problems. The ulama (cleric) explains that the legal ideas proposed by the follower come from the opinions of the ulama from various schools of thought. In this way, single-truth claims or the tendency to bully people who are different can be avoided. This positive thing must be supported by every level of society, especially this time with the movement and thoughts of moderation are incessant, so that harmony in jurisprudence becomes a fact.

Besides the previous positive points, using comparative references does not seem appropriate for the common people because it may confuse them in following one of the opinions offered. Other impacts are also experienced by people who have low literacy in dealing with differences. According to the *aż-żarī'ah* theory, the use of comparative references in common people may bring damage,[55] which means the speakers must consider people who are the object of preaching in their *majelis taklim*.

Fiqh Reference Pattern of the Organizational Ideology

This pattern was obtained during data collection when some informants stated the reference they used was the Muhammadiyah Tarjih Decision Association (HPT). The reason the informants use this reference is that it contains various decisions and fatwas issued by the Muhammadiyah Tarjih and Tajdid Council which are guidelines for Muhammadiyah members. This assembly, according to the informants, consists of ulama and experts who have mastered religious knowledge to study various problems faced by Muslims, especially those related to religious issues and Islamic law.[56]

In answering the contents of the Muhammadiyah Tarjih Decision Association (HPT), informants argue that this collection covers various aspects of life, including legal issues such as inheritance law, zakat, worship, marriage, *muamalah* (interaction), and so on.[57] It has been acknowledged that since the founding of Muhammadiyah, this

[55]Helim, *Metodologi Penetapan Hukum Islam: Ushul Fiqh Praktis (1)*.
[56]SJ, *Interview* (Kapuas, 2022); SP, *Interview* (Pangkalan Bun, 2022).
[57]NJ, *Interview* (Pulang Pisau, 2022); MY, *Interview* (Sampit, 2022); SG, *Interview* (Buntok, 2022).

organization has contributed to the nation and state, especially in providing guidance to Muslims in practicing their worship and dealing with various problems of daily life under the Islamic teachings adhered to by Muhammadiyah.[58]

Unfortunately, the organization is characterized as *tajdīd*, tolerant, open, collective, and lenient. Also, it is not affiliated with any particular school of thought,[59] but the impression of declaring people who are not the same like conducting the bid'ah (heresy) still appears in every *majelis taklim*.[60] In fact, they tend not to want to be the same as other organizations.[61]

Apart from all the problems and returning to the discussion about the fiqh references, it is reasonable for *Muhammadiyah Majelis taklim* to use Muhammadiyah Tarjih Decision Association (HPT) references because the object of this da'wah is Muhammadiyah members. On the other hand, it would certainly not be reasonable when these references were conveyed to the general public or in general assemblies. This might not only bring discomfort but, from *aż-żarī'ah* perspective, has also the potential to lead to great mudharat (negative or harmful).[62]

However, for people who are affiliated with other organizations or have other ideologies, including academics and other ulama, it seems important to study this association. It has a scientific purpose so that it might be used as insight, comparison, research study, or, finally, to understand that humans must be different. There are a lot of things that make humans different, such as differences in perspective, either knowledge or culture.[63] As long as they do not annoy or overthrow each other and do not feel that they are the most right and allow other people to embrace their ideology,

[58]Aswar and Nashruddin, "Rambu-Rambu Bimbingan Dan Konseling Islam (Perspektif Majelis Tarjih Muhammadiyah)," *Scientia: Jurnal Hasil Penelitian* 5, no. 2 (2020): 45–55, https://doi.org/10.32923/sci.v5i2.1391.

[59]Bakhtiar, "Corak Pemikiran Hukum Majelis Tarjih Muhammadiyah," *Al-Qalb: Jurnal Psikologi Islam* 8, no. 1 (2017): 77, https://ejournal.uinib.ac.id/jurnal/index.php/alqalb/article/view/873.

[60]Bakhtiar, "Konstruksi Tajdid Muhammadiyah," *Majalah Ilmu Pengetahuan Dan Pemikiran Keagamaan Tajdid* 23, no. 1 (2020): 62–75, https://ejournal.uinib.ac.id/jurnal/index.php/tajdid/article/view/1694.

[61]Hamka, *Saya Kembali Ke Ru'yah* (Medan: Firma Islamyah, 1972).

[62]Abdul Helim et al., "Cumulative Versus Alternative Conditions: A Study of Polygyny Permits in Indonesia From the Perspective of the Legal Certainty Principle," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 1 (2023): 30–34, https://doi.org/10.18860/j-fsh.v15i1.15384.

[63]Richard Nisbett and Ara Norenzayan, "Culture and Cognition," in *Stevens' Handbook of Experimental Psychology*, Third Edit, 2022, https://doi.org/10.1002/0471214426.pas0213.

the ideals of the theory of legal plurality can be achieved. In this theory, each different law can live together without interfering with each other in the same place.[64]

For people who already have an ideology, then move to the Muhammadiyah ideology, it seems that they fall into the category of life choice, especially if they have legal and religious insight. Surely, they have done this through careful and well preparation. Regardless of maturity or other factors, in fact, including in Central Kalimantan, some academics have joined or naturalized themselves in this organization. Also, a few people come from their hometowns and practice with the majority of the rest of the population, but after living in another city and being highly educated, they end up participating and being active in the Muhammadiyah organization.

Linked to the freedom of every person in an organization, of course, as a law-abiding society we must recognize and acknowledge this. However, people who already have an ideology should remain consistent in the ideology or school of thought that they have followed. Muhammadiyah is not affiliated with any one school of thought, but this organization has formed its ideology or school of thought. And, they compiled a collection of fatwas as guidelines for Muhammadiyah members. It is different when it does not have an ideology or a school of thought and is done personally, which will rise to ideological confusion and is even worrying. The reason is that it will rise to inconsistencies in ideology or school of thought. It is admitted that there is no legal obligation to follow a sect or school of thought, but without following a school of thought, there is a tendency for contradictions in religious thought or practice to open up, which will not only have a negative impact on a person but also the people around.[65]

Fiqh Reference Pattern of the Shafi'i School of Jurisprudence

The next pattern is a reference to Shafi'i jurisprudence. Various references have been mentioned, some in Arabic and some in Malay-Arabic. Some of these references aree the Books of *Mabādī fī ‘Ilm al-Fiqh*, *Fatḥ al-Qarīb*, *Sullam at-Taufīq*, *al-Bayjūrī*, *Safīnah an-Najāh*, *Gāyah al-Munā*, *Kifāyah al-Akhyār*, *Fatḥ al-Mu’īn*, *I’ānah aṭ-*

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[64]Swenson, “Legal Pluralism in Theory and Practice.”

[65]Muḥammad Sa’īd Ramaḍān Al-Būṭī, *Allā Mażhabiyah Akhṭar Bid’ah Tuhaddid Asy-Syarī’ah Al-Islāmiyah* (Damaskus, Syiria: Dār al-Fārābī, 2005).

Ṭālibīn, *Risālah al-Jamī'ah*, *Nail ar-Rajā* dan *Taqrīrah as-Sadīdah* serta *al-Mu'tamad fī Fiqh asy-Syāfi'ī*.[66]

The references in Malay-Arabic are the book *Sabīl al-Muhtadīn* and Risalah Tangga Ibadah. Also, it uses references to jurisprudence with a Sufism dimension such as the books *Hidāyah as-Sālikīn* and *Waja Sampai Kaputing.*[67] Some of the references show that these books are popular references in Indonesian society, especially in *majelis taklim*, and even in Islamic boarding schools. From the ideology perspective, the references are the Shafi'i school of thought.

There is a lot of criticism towards the adherents of the Shafi'i school of thought. For example, why are references from Imam Syafi'i himself not studied and taught to adherents of the Syafi'i school of thought? Meanwhile, Imam Shaafi'i's fiqh work, which included in the *magnum upos* is the book al-Umm. It is a common question that is often asked and, according to these critics, adherents of the Syafi'i school of thought have not fully followed the Shafi'i imams because they studied the works of ulama in the circles of that school of thought.

This criticism can probably be answered simply by saying that, at the beginner level, it certainly needs introductory references with the aim at a later stage can understand the references, including the works of Imam Shafi'i jurisprudence. In conveying study material, the informants truly understand the society of followers. Therefore, aiming for the material can be easily transferred and easily understood by the public, informants and scholars generally prefer references that are concise and simple so that the material is conveyed optimally.

Besides that, the meaning of following a school of thought is following the line of thought and methodology used by the imam. This flow can be followed through the thoughts or results of ijtihad carried out by ulama or students of ulama,[68] including ulama and students of Imam Syafi'i. Therefore, as long as it still follows this path and does not leave the circle of the Syafi'i school of thought, he is still called a follower of the Syafi'i school of thought.

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[66]NS, *Interview* (Kapuas, 2022); KL, *Interview* (Pangkalan Bun, 2022); MS, *Interview* (Buntok, 2022); AZ, *Interview* (Tamiang Layang, 2022); BK, *Interview* (Pulang Pisau, 2022).

[67]AR, *Interview* (Palangka Raya, 2022); SS, *Interview* (Sampit, 2022).

[68]Saidu Sulaiman Oluwaseun, "An Examination of The Major Madhhabs: A Cas for Reunification," *Journal of Shariah Law Research* 7, no. 2 (2022): 162, https://ejournal.um.edu.my/index.php/JSLR/article/view/40856.

Those are the four patterns of fiqh references used by the *majelis taklim* in Central Kalimantan. The most frequently highlighted pattern is the tendentious style of jurisprudential references because it is almost certain to involve deflection or even deception, which ultimately causes more mudharat to the Muslims themselves. The next pattern is the reference pattern of comparative jurisprudence and the mixture of ideologies. If this is applied to people who are less prepared in terms of science and differences, it could potentially cause difficulties and mudharat (negative), such as ideological blurring. Other jurisprudence references patterns are the ideology of the organization. This certainly does not have a negative impact when it is only conveyed in their circle. On the other hand, it will be problematic when it is forced and conveyed to the public. The last is towards the Shafi'i school of thought which is also in a safe position as long as it is delivered to a congregation that shares the same ideology.

If the results of this analytical study are compared with several previous studies, it can be confirmed that they are different, both in terms of the object of study and the theory. Therefore, this research's findings do not strengthen or support previous research but are a new scientific study with a different focus from the previous study, which is the fiqh references pattern used by the *majelis taklim* in Central Kalimantan.

Conclusion

There were four patterns of fiqh references used by *Majelis Taklim* in Central Kalimantan. First, the fiqh references pattern is tendentious. It uses references to the Syafi'i school of jurisprudence as an entry point to insert references to other ideological jurisprudence without the awareness of the congregation, so it assumes an impression of deception. Second, the fiqh reference pattern tends towards comparison and a mixture of ideologies. It uses fiqh books in the form of comparisons and a mixture of ideologies. This condition tends to have a negative impact when conveyed to people who are less ready for comparisons, especially the mixing of ideologies. Third, the fiqh references patterns that carry the ideology of a particular organization. This reference seems sensitive when conveyed to the general public. Fourth, the fiqh references pattern which tends towards the Shafi'i school of thought. It is also safe when conveyed to the community of followers of the Shafi'i ideology or school of thought.

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